

REMARKS/ARGUMENTS

The claims have been amended where appropriate to overcome the objections noted by the Examiner.

Independent Claim 21 is rejected as obvious over Sakoda combined with Miller. For the reasons set forth below, it is submitted that the subject matter defined by Claim 21 would not be obvious to one of ordinary skill in the art, and specifically, that it would not be obvious to modify the disclosure of Sakoda to include the step of "re-assembling the data streams. . . [or] optionally not aggregating some components of the data streams".

The Examiner correctly points out that Sakoda does not teach the step of optionally not aggregating completely some application-specific components of the data streams, and further transmitting the non-aggregated components at least in part as a separate data stream via data networks to other receivers. The Examiner utilizes Miller in an attempt to supply the missing steps, but Miller falls short in this regard because Miller merely teaches a conventional routing procedure where data of different data types, such as voice, e-mail, facsimile, are routed via the network to respective recipients and terminal devices. The method of Miller does not include the precondition that several data streams are transmitted individually and in parallel by their specific data structure via available transmission channels over the air interface of the mobile communications network, which channels are optimized for the irrespective needs of the individual data streams. To pick out a prior art reference relating to conventional routing and combine it with a communication method wherein data is separated and transmitted in a plurality of data streams in parallel by specific data structure and reassembling those data streams on the receiver side but optionally not aggregating completely some application-specific components would be obvious only from the hindsight provided by the disclosure of the present application. A person of ordinary skill in the art would not have combined Miller with the Sakoda reference except through the hindsight of the present disclosure. Where is the suggestion or incentive for the reassembling and optionally not aggregating steps found within the four corners of Sakoda and Miller? It is submitted that such suggestion or incentive is not present because of the very different problems solved by Sakoda, Miller and the present invention and that Claim 21 therefor defines subject matter that is patentable within the meaning of 35 U.S.C. 103.

The Examiner relies on two additional references when rejecting Claims 5, 6, 15 and 16. But these references fail to supply the steps missing from Sakoda.

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It is believed that the application is in condition for allowance. However, if further issues remain it is requested that the Examiner telephone the undersigned at 260-460-1692.

Respectfully submitted,

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Signature

October 31, 2005

Date